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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FAUSTO PINA,

Defendant.

CASE NO. 1:21-CR-00070-DAD-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

CURRENT DATE: August 24, 2022
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and FAUSTO PINA, by and through defendant's counsel of record, Meghan McLoughlin, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 24, 2022.
2. By this stipulation, defendant now moves to continue the status conference until November 9, 2022, and to exclude time between August 24, 2022, and November 9, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
 - a) The government asserts the discovery in this matter has been provided to counsel. The government is aware of its ongoing discovery obligations.

b) The parties are in ongoing plea negotiations.

c) Counsel for the defendant recently returned from extended medical leave and desires additional time to consult with her client, to review the current charges, to conduct investigation and research related to the charges, to review and/or copy discovery for this matter, to discuss potential resolutions with her client, to prepare pretrial motions, and to otherwise prepare for trial.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 24, 2022 to November 9, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4], because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 15, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ JESSICA A. MASSEY
JESSICA A. MASSEY
Assistant United States Attorney

1 Dated: August 15, 2022

/s/ MEGHAN MCLOUGHLIN

MEGHAN MCLOUGHLIN

Counsel for Defendant

FAUSTO PINA

6 **ORDER**

7 IT IS SO ORDERED that the status conference is continued from August 24, 2022, to **November**
8 **9, 2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to
9 18 U.S.C. § 3161(h)(7)(A), B(iv).

10 IT IS SO ORDERED.

11
12 Dated: August 16, 2022

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE